

IN THE
UNITED STATES DISTRICT COURT

FILED
CHARLOTTE, NC

OCT 24 2024

US DISTRICT COURT
WESTERN DISTRICT OF NC

Mr. Keith Antonio Barnett

Plaintiff(s),

-VS-

Magistrate Judge David S. Cayer, District

Judge Max O. Cobburn Jr.

Defendant(s).

Docket No. 3:24-cv-943-FDW
(To be supplied by Clerk)

CIVIL RIGHTS COMPLAINT
pursuant to 42 U.S.C.
Section 1983
(State Prisoner)

CIVIL RIGHTS COMPLAINT
pursuant to 28 U.S.C.
Section 1331
(Federal Prisoner)

CIVIL COMPLAINT
pursuant to the Federal Tort
Claims Act, 28 U.S.C.
Section 1346, 2671-2680

I. JURISDICTION

- A. Plaintiff's mailing address and/or register number
and present place of confinement. 34168-058

Federal Correctional Institution - Gilmer

P.O. Box 6000 Greenville N.C. 26351

1. Additional plaintiff(s) and address(es) _____

- B. Defendant David S. Cayer is employed as
(Name of first defendant)

~~U.S.~~ U.S. Magistrate Judge with
(Position/Title)

U.S. Magistrate Judge 401 West Trade Street Charlotte N.C. 28202
(Employer's name and address)

CIVIL RIGHTS COMPLAINT

- C. At the time the claim(s) alleged in this complaint arose, was the defendant employed by the state, local or federal government?

Yes (☒) No (☐)

1. If your answer is "yes", briefly explain:

yes, he was an acting Magistrate Judge

- D. Defendant Max O. Logburn, Jr. is employed as
(Name of second defendant, if any)

U.S. District Judge with
(Position/Title)

United States District Judge 401 west Trade street Charlotte N.C. 28202
(Employer's name and address)

- E. At the time the claim(s) alleged in this complaint arose, was the defendant employed by the state, local or federal government?

Yes (☒) No (☐)

1. If your answer is "yes", briefly explain:

yes, he was an acting United States District Judge

- F. Using the outline of the form provided, include the above information for any additional defendant(s).

II. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes (☐) No (☐)

- B. If your answer to "A" is "yes", describe the lawsuit(s) in the space below. (if there is more than (1) lawsuit, you must describe the additional lawsuits on another sheet of paper, using the same outline). Failure to comply with this provision may result in summary denial of your complaint.

CIVIL RIGHTS COMPLAINT

1. Parties to previous lawsuits:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if Federal Court, name the district;
if State Court, name the County) _____

3. Docket number _____

4. Name of Judge to whom case was assigned _____

5. Type of case (for example: Was it a Habeas
Corpus or Civil Rights action?) _____

6. Type of case (for example: Was the case
dismissed? Was it appealed? Is it still
pending?) _____

7. Approximate date of filing lawsuit _____

8. Approximate date of disposition _____

III. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance procedure in the
institution?

B. Did you present the facts relating to your complaint in
the prisoner grievance procedure? Yes () No ()

C. If your answer is "yes",

1. What steps did you take? _____

2. What was the result? _____

CIVIL RIGHTS COMPLAINT

- D. If your answer is "no", explain why not. _____

- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities?
Yes () No ()
- F. If your answer is "yes",
1. What steps did you take? _____

2. What was the result? _____

- G. If your answer is "no", explain why not. _____

- H. Attach copies of your request for an administrative remedy and the response(s) you received. If you cannot do so, explain why not: _____

IV. STATEMENT OF CLAIM

State here as briefly as possible, the FACTS of your case. State who, what, when, where and how you feel your constitutional rights were violated. Do not cite cases or statutes. If you choose to include legal arguments or citations you must do so in a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph.

Only two (2) extra pages (8 1/2 x 11") are permitted, if necessary, to complete your statement of claim. Additionally, attach any relevant, supporting documentation.

In the case of Mr Keith Antonio Barnett's Case no. 3:18-cr-200
there is no proof that any of the persons that's in Mr.
Barnett's case can show; where Mr Barnett Federal Discovery
was afforded to Him. Before trial or even at any pretrial hearings

CIVIL RIGHTS COMPLAINT

IV. STATEMENT OF CLAIM (continued)

In which trial attorney Randolph Marshall Lee never stated to Mr. Barnett about any pretrial hearings that Mr. Barnett could have had an opportunity to review Mr. Barnett's Federal Discovery. Throughout Mr. Barnett's case Mr. Barnett has maintain a level of consistency on the issue that He "never" ~~saw~~ the Federal Discovery that included: video recordings of the alleged drug transaction, the telephone call that led to the alleged drug transaction, the drugs that was tested by expert witnesses, witnesses's statements that took the stand and before trial and etc. With that being said, "Mr. Keith Antonio Barnett wasn't afforded that right to see what he was accused of before trial. Please take notice of Mr. Barnett's exhibits they will explain that Mr. Barnett wasn't given any of his Brady material on the Federal level in the matter of his trial. In which ended on November 20, 2018. where the jury returned a verdict of guilty as to Counts One, Two, and Three of the bill of indictment. Let's not forget none of that information that Mr. Barnett has mention is not in the state Discovery. But it was in the Federal Discovery that wasn't afforded before Barnett's trial. Cause, what was present at trial wasn't present on state findings. Once again Mr. Barnett's Federal Discovery "Never" made it's way to him. They both participated in keeping the Federal Discovery from Mr. Keith Antonio Barnett.

CIVIL RIGHTS COMPLAINT

V. REQUEST FOR RELIEF

State here exactly what you want the Court to do for you. If you are a state or federal prisoner, and seek relief which affects the fact or duration of your imprisonment (for example; illegal detention, restoration of good time, expungement of records or parole release) you must file your claim on a Habeas Corpus form, pursuant to 28 U.S.C. Sec. 2254, 28 U.S.C. Sec 2255 or 28 U.S.C. Sec. 2241.

The Plaintiff seeks a relief of 12 million dollars
~~_____~~

Signature of attorney, if any

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, declare (or certify, verify, or state), under penalty of perjury, that I am the plaintiff in the above action, that I have read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746; 18 U.S.C. Sec. 1621.

Signed this 21st day of October, 18 2024.

M. Keith A. Burt
Signature of Plaintiff